

Message Text

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ACTION FAA-00

INFO OCT-01 NEA-10 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 EB-07 INR-07 NSAE-00 L-03 /030 W

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R 130700Z JAN 76

FM AMEMBASSY MUSCAT

TO FAA WASHDC

SECSTATE WASHDC 1761

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E.O. 11652: N/A

TAGS: EAIR US MU

SUBJECT: PROPOSED AMENDMENT TO FAA MOA

REF: FAA WASHDC GMKDTG 291434Z DEC 75)(NOTAL)

1. REFTEL RAISED TWO ISSUES CONCERNING OMANGOV FINANCING OF CAAG MISSION. IN RELATION TO PAYMENT FOR TRANSPORTATION TO AND FROM U.S., EMBASSY RECOGNIZES THIS AS LEGITIMATE FAA CLAIM. WE WILL RAISE ISSUE WITH DGCA AUTHORITIES ALONG LINES SUGGESTED IN REFTEL.

2. CASE FOR SEEKING AMENDMENT OF MOA TO PROVIDE FOR OMANGOV PAYMENT OF PERSONAL UTILITY BILLS IS MUCH WEAKER. BEFORE WE CONTEMPLATE APPROACHING OMANIS ON THIS ISSUE, EMBASSY WISHES TO RAISE SEVERAL POINTS FOR WASHINGTON CONSIDERATION.

A. AS SPECIFIED IN ARTICLE VIII OF MOA, ANY CHANGE IN AGREEMENT MUST BE SUBJECT OF SPECIFIC AMENDMENT. ACCORDINGLY, BILLING OMANGOV FOR UTILITIES EXPENSES WHETHER OR NOT THEY AGREE TO AMENDMENT (AS PROPOSED IN REFTEL) IS OF QUESTIONABLE LEGALITY. MORE THAN THIS, IT IS CERTAINLY UNETHICAL TO APPROACH PARTY TO MOA WITH PROPOSAL EFFECTIVELY TO CHANGE TERMS OF AGREEMENT WITH OR WITHOUT THAT PARTY'S CONCURRENCE. FAA AND DEPARTMENT SHOULD BE ADVISED THAT DGCA SALIM BIN NASSIR INFORMALLY RULED SOME TIME AGO THAT OMANGOV WOULD NOT RPT NOT LIMITED OFFICIAL USE

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INCREASE ITS CONTRIBUTION FOR UTILITIES. TO SUGGEST AMEND-

MENT, THEN (PRESUMING ANOTHER REJECTION ON HIS PART) TO CIRCUMVENT HIS WILL BY EX POST FACTO BILLING WOULD PLACE AT RISK CONCEIVABLE EXPANSION OF FAA ROLE HERE IF NOT ENTIRE AGREEMENT, AND EMBASSY OBJECTS TO ANY SUCH PROCEDURE.

B. WASHINGTON PRESUMABLY UNDERSTANDS THAT DGCA PRESENTLY PAYS FOR SET USAGE OF ELECTRICITY IN QUARTERS FURNISHED TO CAAG. CAAG MEMBERS PAY ONLY IF THEY EXCEED MINIMUM; CAAG CHIEF HAS INFORMED US, FOR EXAMPLE, THAT NO RPT NO ADDITIONAL PAYMENT REQUIRED DURING NOVEMBER, AND THIS SITUATION SHOULD PERTAIN THROUGHOUT COOLER MONTHS. ARTICLE VI.B OF MOA PROVIDES FOR FAA BILLING "IF SUPPORT PROVIDED IS NOT EQUIVALENT TO THAT PRESCRIBED IN PERTINENT FAA REGULATIONS..." WE DOUBT FAA REGULATIONS PROVIDE EVEN PARTIAL COMPENSATION FOR PERSONAL UTILITIES, LET ALONE OTHER PERQUISITES SUCH AS FREE TRANSPORTATION GRANTED TO CAAG HERE.

3. IF FAA FEELS THIS ADDITIONAL COVERAGE ON UTILITIES IS CRITICAL TO RECRUITING EFFORTS, WE WOULD SUGGEST DIRECT REIMBURSEMENT TO CAAG MEMBERS, DRAWING ON 5 PERCENT CONTINGENCY FUND OR ADMINISTRATIVE CHARGES ALREADY PROVIDED FOR IN ANNEX B TO MOA (I.E. AT NO INCREASE IN OVERALL COST TO OMANGOV). AS IS EVIDENT FROM DISCUSSION ABOVE, WE CONSIDER APPROACH ON PROPOSED AMENDMENT OF MOA TO BE INADVISABLE AND CHANCES OF SUCCESS UNLIKELY. HOWEVER, WE WILL PROCEED ALONG THESE LINES IF SO DIRECTED AFTER WASHINGTON CONSIDERATION OF POINTS RAISED ABOVE, PROVIDED THAT FAA WILLING TO ABIDE BY OMANGOV DECISION--EVEN IF NEGATIVE--ON AMENDMENT.
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